



CANNON BUILDING
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STATE OF DELAWARE
DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

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PUBLIC MEETING MINUTES:	DELAWARE REAL ESTATE COMMISSION
MEETING DATE AND TIME:	Monday, August 23, 2010 at 9:00 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room A , second floor of the Cannon Building
MINUTES APPROVED:	September 9, 2010

MEMBERS PRESENT

Vincent M. White, Professional Member, Chairman
Andrew Staton, Professional Member, Vice Chairman
Christopher J. Whitfield, Professional Member, Secretary
Gilbert Emory, Public Member
Patricia O'Brien, Public Member
James C. Brannon, Jr., Public Member
Denise Stokes, Public Member
Richard Brogan, Professional Member

DIVISION STAFF/ DEPUTY ATTORNEY GENERAL

Eileen Heeney, Deputy Attorney General
Gayle Melvin, Administrative Specialist III

MEMBER ABSENT

Ricky H. Allamong, Professional Member (recused)

ALSO PRESENT

Crystal Hudson, SCAOR
Michael McCusker
Milton Morozowich
Kathy Morozowich
Barbara Gadbois, DAG
Seth Thompson, Esquire
Karen Kimbleton

Lynda Brogan
Brenda Chrosniak
Bill Schwartz
Robert Sadusky, Jr.
Ron Hohrein
Sandy Hohrein
Dee DeMolen
Mike Schachte
Sam Nickerson
Jean Betley
Layton Ward
Dorothy Palmatary
Juli LaBadia , Court Reporter

CALL TO ORDER

Mr. White called the meeting to order at 9:02 a.m.

HEARING

Continuation of Hearing for Case Nos 02-16-09; 02-33-08; and 02-27-09 Against Karen S Kimbleton

Ms. Heeney called the formal hearing to order at 9:03 a.m. This was a continuation of the hearing from August 12, 2010 regarding Case Nos. 02-16-09; 02-33-08; and 02-27-09 against Karen S. Kimbleton.

Ms. Gadbois continued to present her case. She recalled Ms. Betley. Ms. Betley answered questions from Ms. Gadbois, Mr. Thompson and Commission members. Ms. Gadbois called Layton Ward as her next witness. Mr. Ward answered questions from Ms. Gadbois and Mr. Thompson.

The Commission took a recess from 10:12 a.m. to 10:21 a.m.

Mr. Thompson presented his case. He called Dorothy Palmatary as his first witness. She answered questions from Mr. Thompson, Ms. Gadbois and Commission members. Mr. Thompson called Bill Schwartz as his second witness. He answered questions from Mr. Thompson, Ms. Gadbois and Commission members. Mr. Thompson called Ms. Kimbleton as his next witness. She answered questions from Mr. Thompson, Ms. Gadbois and Commission members.

The Commission took a recess from 12:09 p.m. to 12:19 p.m.

Mr. Thompson called Robert Sadusky, Jr. as his next witness. Mr. Sadusky answered questions from Mr. Thompson and Ms. Gadbois.

The Commission went off the record at 2:00 p.m. for deliberations. The Commission took a recess from 2:00 p.m. to 2:06 p.m. The Commission went back on the record at 3:39 p.m. to ask Ms. Kimbleton if she had another broker in her office. The Commission went back off the record at 3:40 p.m. for further deliberations. The Commission went back on the record at 3:46 p.m.

A motion was made by Mr. Brannon, seconded by Mr. Staton that the State met its burden of proof on the first violation in finding that Ms. Kimbleton failed to sign the listing agreements and has violated §2912(a)(8). The motion passed by majority vote. Mr. Staton voted against the motion. A motion was made by Mr. Whitfield, seconded by Mr. Brannon that the State met its burden of proof on the second

violation in finding that Ms. Kimbleton collected assurance money and has violated §2912(a)(12) in that her conduct was determined to be improper, fraudulent and dishonest and that Ms. Kimbleton retaliated against the tenants and has violated § 2912(a)(6) in that she was incompetent to act as a broker in such manner as to safeguard the interest of the public through her conduct. The motion passed unanimously. A motion was made by Mr. Whitfield, seconded by Mr. Brannon that the State met its burden of proof on the third violation and Ms. Kimbleton has violated §2912(a)(1); (a)(6); and (a)(12) in paragraphs 55 through 57 of the complaint. The motion passed unanimously. A motion was made by Mr. Whitfield, seconded by Mr. Brannon that the State met its burden of proof on the fourth violation and Ms. Kimbleton has violated § 2912(a)(1); (a)(6); (a) (12); and § 2796 in paragraphs 70-73 of the complaint. The motion passed unanimously.

A motion was made by Mr. Brannon, seconded by Ms. O'Brien that Ms. Kimbleton's broker's license is suspended for six months effective the date of this hearing, followed by six months probation; Ms. Kimbleton must successfully complete the law portion of the pre-license course and a landlord-tenant code course and these credits cannot be used for the 2012 renewal; prior to the completion of the period of suspension, Ms. Kimbleton must provide the Commission with an office manual that must be approved before the suspension can be lifted. The motion passed unanimously.

The hearing adjourned at 3:55 p.m.

OTHER BUSINESS BEFORE THE COMMISSION (for discussion only)

There was no other business before the Commission.

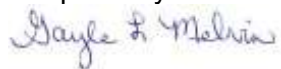
PUBLIC COMMENT

There was no public comment at this meeting.

ADJOURNMENT

A motion was made by Mr. Brannon, seconded by Ms. O'Brien to adjourn the meeting. The motion passed unanimously. The meeting adjourned at 3:56 p.m.

Respectfully submitted,



Gayle L. Melvin
Administrative Specialist III